

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**McElroy, Deutsch, Mulvaney & Carpenter, LLP**  
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**Attorneys for Defendant**  
**Board of Regents of the University of Michigan**

<b>BOBBI POLANCO, on behalf of herself</b>	:	
<b>and all others similarly situated,</b>	:	<b>Civ. Act. No. 1:13-cv-01417-NHL-KMW</b>
	:	
<b>Plaintiffs</b>	:	<b>Hon. Noel L. Hillman</b>
	:	
<b>-vs-</b>	:	<b>DEFENDANT UNIVERSITY OF</b>
	:	<b>MICHIGAN'S MOTION TO DISMISS</b>
<b>OMNICELL, INC., et al.,</b>	:	
	:	<b>Hearing Date:</b>
<b>Defendants.</b>	:	

Defendant Board of Regents of the University of Michigan (the “University of Michigan”),<sup>1</sup> by and through its attorneys, moves for dismissal of Plaintiff Bobbi Polanco’s First Amended Class Action Complaint, pursuant to Fed. R. Civ. P. 12(b)(2) and (6).

For the reasons stated in the accompanying Brief in Support, the University of Michigan requests that this Court dismiss Plaintiff's First Amended Class Action Complaint with prejudice and award the University of Michigan its costs and attorney's fees for having to defend this action.

<sup>1</sup> The Board of Regents of the University of Michigan is appearing for the sole and limited purpose of filing a motion to dismiss Plaintiffs' Amended Complaint and is not consenting to the jurisdiction of the Court for any other purpose. As explained below, Plaintiff initially filed this lawsuit against the wrong party, *i.e.*, the "University of Michigan Health Systems, Inc.," ("UMHS") whereas any suit against the University, including its hospitals, must be brought against the Board of Regents as the only corporate body capable of being sued. MCL 390.4. In the Amended Complaint, Plaintiff added the "Board of Regents of the University of Michigan," and no longer listed UMHS as a defendant in the case caption, but did not formally file dismissal papers as to UMHS. Out of an abundance of caution, this Motion is brought on behalf of both the Board of Regents and UMHS, who collectively are referred to as the University of Michigan.

Respectfully submitted,

MCELROY, DEUTSCH, MULVANEY &  
CARPENTER, LLP

By: /s/ Stephen F. Payerle

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